

# Official Minutes for Webb County Commissioners Court Meeting

Monday, April 25, 2005 at 1:00 PM and  
continuing Tuesday, April 26, 2005 at 1:00 PM  
(Approved 05-23-2005)

- Item No. 1      Call to order by Judge Louis H. Bruni  
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:
- |                  |                      |
|------------------|----------------------|
| Louis H. Bruni   | County Judge         |
| Frank Sciaraffa  | Commissioner, Pct. 1 |
| Judith Gutierrez | Commissioner, Pct. 2 |
| Jerry Garza      | Commissioner, Pct. 3 |
| Cynthia Brunner  | Commissioner, Pct. 4 |
- Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 22<sup>nd</sup> of April 2005. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.
- Item No. 2      Roll Call – Margie Ramirez Ibarra, Webb County Clerk
- Item No. 3      Pledge of Allegiance – Led by all
- Item No. 4      Approval of minutes – March 29, 2005
- Cmr. Gutierrez motioned to accept the minutes as presented. Cmr. Garza seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 5      Approval of bills, payroll and monthly reports
- Mr. Louie Saucedo, Treasurer's Department, was present to address the court on behalf of Ms. Delia Perales, County Treasurer, who was unable to attend. He stated that if the court had any additional questions or concerns, they could contact his office.
- Cmr. Gutierrez motioned to accept the Treasurer's Report. Cmr. Sciaraffa seconded the motion.
- Motion carried 5-0 by unanimous consent.

Item No. 6            Communications

There were no communications made.

Item No. 7            Public Comment

Mr. Carlos Romo was present to address Item No. 9. He requested that the proclamation be read first and that he would make his comments afterwards.

Comr. Gutierrez motioned to move up Item No. 9. Comr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 9            Proclamation: April 24 through May 1, 2005 as "Soil and Water Stewardship Week."

Mr. Romo thanked the court for their continued support and funding for soil and water conservation efforts. He stated that this was a very important and worthwhile project.

Item No. 7            Public Comment

Mr. Jose Gutierrez was present to address Item No. 14 and No. 16. He stated that as a taxpayer, he does not feel that the court is being just in its hiring and firing procedures. He stated that the politics surrounding these dismissals needed to be done away with.

Mrs. Margie Ramirez Ibarra, County Clerk, was present to address Item No. 63. She stated that she supported a bank depository contract for four years instead of two. She stated that when the contract is changed every two years, her department needs to transfer all the accounts that it has under the Registry of the Court as well as order checks under the new account.

Mr. Louie Saucedo, Treasurer's Department, stated that they are in the process of making the last minute changes necessary in order to publish the notice.

Judge Bruni stated that there were 11 additional people signed up for Public Comments but that no item was listed on their Witness Cards.

Mr. Homero Ramirez, County Attorney, stated that if possible, the court could allow one person to advise the court which item the group wished to address.

Mr. Smith stated that the group was present to address the termination of former Larga Vista Community Center Director, Mr. Francisco Gonzalez. He stated that many people go to the center and receive assistance. He stated that at the present time, there is only a receptionist there who doesn't really know much about the programs and services available. He stated that the residents are looking for answers and want to be reassured about what is going to happen. He stated that they would like for Comr. Gutierrez to address the resident's concerns.

Judge Bruni stated that this matter was not on the agenda but stated that it would be placed on the next agenda.

Cmr. Gutierrez stated that she has spoken with Mr. Smith and would like to hold a meeting with the residents at the Community Center.

- Item No. 8      Status report on Youth Village project land acquisition, determination of project timetables, any other matters incident thereto, with discussion and possible action to direct staff to take measures as necessary to keep the project on schedule.

Mr. Tomas Rodriguez, County Engineer, stated that the preliminary plat has been submitted to the city for approval. He stated that the water line has been designed and is also pending city approval. He stated that Drash Engineering has performed the environmental studies and is pending the submission of that report. He stated that 100% of the plans and design have been completed.

Mr. Carlos Villarreal, Executive Administrator, stated the project is on track with the plans. He stated that they will be going out for bids in July due to the delays in the changing of sites. He stated that they expect to begin construction in August with a construction time of 16-18 months.

Cmr. Gutierrez stated that a possible solution to the need for additional housing would be to contract with area juvenile facilities until the center is completed.

- Item No. 10      Discussion and possible action to transfer slot #2230, including funds, from department #2070 (Medical Examiner and Morgue), and slot #2247, including funds, from department #0120 (Human Resources) to department #2500 (Constable Precinct 1), in order to implement a K-9 unit, and any other matters incident thereto.

Mr. Homero Ramirez, County Attorney, stated that the correct slot from the Human Resources Department was #2246, not #2247. He stated that he not been able to locate any items regarding the acceptance of the donation of canines. He stated that this item was to staff the department but that an additional item to accept the donation of the canines would need to be brought to the court. Cmr. Gutierrez stated that her only concern with this item was the transferring of slots and funding from existing departments. She stated that the morgue was a very important and necessary department. She stated that the county is statutorily responsible for the administration of autopsies. She stated that she is concerned about rising costs in sending bodies to Bexar County when the county can establish its own morgue.

Mr. Rodolfo Rodriguez, Constable Pct. 1, stated that it would be approximately \$14,700 a year for the maintenance of both canines and that he has that money available in his forfeiture funds. He stated that he is asking the court for the funding of the positions needed to care for and handle the dogs. He stated that the dogs were donated by the Laredo Job Corps approximately 1½ months ago.

Mr. Rick Flores, County Sheriff, stated that it would be possible to have Constable Rodriguez fund the slots with his forfeiture monies. He stated that the morgue is very important and that sending the bodies to Bexar County is getting expensive since he has to send his deputies to Bexar County to transport the body, including meals, mileage and overtime pay.

Constable Rodriguez stated that he is not asking for a lot of money and wondered why the \$1.2 million that the Sheriff requested from the court for equipment was not purchased from the Sheriff's forfeiture fund.

Sheriff Flores stated that his main duty as chief law enforcement officer is to enforce the law. He stated that the Constable's main duty is to serve the courts and court documents. He stated that he currently has five persons going through K-9 training and would be coming before the court to be able to establish a K-9 unit in his department.

Judge Bruni motioned to table the item. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 11      Discussion and possible action to retain the services of Watts Law Firm to pursue any and all surface damages and/or other monies owed and arising out of oil and gas well leases on Webb County School Lands, and to research and pursue any monies owed to Webb County for any oil/gas wells on Webb County soil, and any other matters incident thereto.

Cmr. Sciaraffa motioned to table this item. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 12      Discussion and possible action to retain the services of R. W. Harden and Associates to drill a water-well for Webb County on the Carrizo Wilcox Aquifer.

Judge Bruni stated that the company is ready to start working and the agreement is identical to the agreement with the previous contractor. Mr. Homero Ramirez, County Attorney, stated that the monies to be paid to the contractor are contingent on the phases of work performed. Mr. Tomas Rodriguez, County Engineer, stated that the cost included the engineering work, the drawing of specs and the testing.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 13      Discussion and possible action to declare an exception to the competitive bidding process and direct the purchase of a new radio antenna to replace that presently located 21.5 miles N. 83, and for the purchase of attendant equipment necessary for its proper function, and any other matters incident thereto.

Mr. Mario G. Cavazos, Radio Communications Director, stated that this has been an issue for several years. He stated that the tower is 38 years old and has gone over its lifespan of 25 years. He stated that during this time, it has brought in revenues from rental fees and has in essence paid for itself. He stated that it is his duty to provide law enforcement and the other departments that use this tower the best possible communication. Mr. Raul Casso, Chief of Staff, stated that it would take approximately \$293,000 with possible funding from the Park Development Funds from the court members. He stated that the monies used would not affect any present or near future projects. He stated that the monies would be replaced with the upcoming bond issuance and would not impact any short term projects. He stated that the county would be going out for bonds in late spring, early summer. He stated that another possibility would be to use morgue monies and replace them with the bond issuance instead. Mr. Rick Flores, County Sheriff, stated that his department relies heavily on the communication tower to communicate with deputies out on the field and that not a day has passed without some radio failure. Cmr. Gutierrez stated that monies had already been transferred from the morgue and wanted the motion to be very concise in stating that the monies would be returned with the bond issuance.

Judge Bruni motioned to approve item with monies coming from the morgue fund on the condition that they be replaced with the next bond issuance. Cmr. Gutierrez seconded the motion.

Mr. Mario G. Cavazos, Radio Communications Director, stated that he would be working with the county attorney due to the permits that need to be acquired.

Cmr. Gutierrez motioned to include an order issuing a discretionary exemption to competitive bidding due to the need for public safety. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 14      Discussion and possible action to appoint Mr. Robert Martinez, Jr. as Interim Director of the Webb County Community Action Agency.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15      Discussion and possible action to appointment Fernando Garcia Jr., to the Rural Rail District Committee.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Cortez-Brunner not present during vote.

Cmr. Gutierrez motioned to move up Item No. 58 and No. 61. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Cortez-Brunner not present during vote.

- Item No. 58      Discussion and possible action to approve the submission of a grant application to the Texas Comptroller of Public Accounts for the Texas STEP Grant Program for on-site compliance inspections of tobacco retailers, compliance education of retailers, and monthly/quarterly activity reports to Comptroller or Comptroller's designee. This grant requires no match and thus is at no cost to the county.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Cortez-Brunner not present during vote.

- Item No. 61      Discussion and possible action to approve that the Webb County Sheriff's Department enter into an agreement with the Texas Department of Transportation for a Click or Ticket campaign during the Memorial Day weekend holiday campaign specifically for overtime enforcement of occupant protection and speeding in the amount of \$8,000.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 4-0 with Cmr. Cortez-Brunner not present during vote.

Cmr. Gutierrez motioned to move up Item No. 59 and No. 60. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Cortez-Brunner not present during vote.

- Item No. 59      Discussion and possible action to approve the submission of a grant application to the U.S. Department of Homeland Security for the Commercial Equipment Direct Assistance Program (CEDAP) for a night vision kit. This grant requires no match and thus is at no cost to the county.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Cortez-Brunner not present during vote.

Sheriff Flores congratulated Ms. Anita Guerra, chief grant writer, for an outstanding job.

- Item No. 60      Discussion and possible action to approve the submission of a grant application to the Counter-drug Technology Assessment Center (CTAC) for the Technology Transfer Program for a Thermal-Eye. This grant requires no match and thus is at no cost to the county.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Sciaraffa congratulated Ms. Anita Guerra for a job well done. Cmr. Gutierrez echoed Cmr. Sciaraffa's comments and stated that she was an asset to the Sheriff's Department.

- Item No. 16      Discussion and possible action to fill position 0899, Larga Vista Community Center Director at an annual salary not to exceed \$30,728.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 17      Discussion and possible action to increase mileage amount rate from .37/mile to .50/mile.

Cmr. Gutierrez stated that as per Mr. Leo Flores, County Auditor, the maximum allowed by the IRS is 40.5¢. She stated that she placed this item due to the increasing cost of gas.

Cmr. Gutierrez motioned to approve the mileage amount rate from 37¢ a mile to 40.5¢ a mile. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 18      Discussion and possible action to allocate \$75,000 for Joint Park Development Project with the City of Laredo. These Precinct 2 funds will be appropriated from Fund 678, Park Development, Series 2001, Fund 695, Park Development, Series 2002 and Fund 658, Park Development, Series 2003.

Cmr. Garza motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, stated that the court needed to re-address Item No. 16. He stated that the director position needed to be appointed by the entire court.

Cmr. Gutierrez requested that the court permit her to fill the position since it was in her precinct and made a motion to that effect. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Garza motioned to move up Item No. 44. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 44      Discussion and possible action to approve a Resolution and Order modifying Webb County voting precincts to comply with the Texas Election Code, and any other matters incident thereto.

Mr. Rolando Rios was present to address the court. He stated that this item would allow the splitting of two voting precincts that currently exceed the number of registered voters in a voting precinct. He stated that upon approval by the Court, the resolution and order would be submitted to the Department of Justice and would take approximately 60 days to be approved.

Mr. Oscar Villarreal, Interim Elections Administrator, stated that they will send out new registration cards that would reflect the changes as well as place a public notice in the Laredo Morning Times. He stated that the changes would take effect January 1, 2006 and would do as much advertising as possible regarding the changes.

BREAK (2:50 PM to 3:15 PM)

The court was advised after the break that no action was taken on Item No. 44 before the break.

Cmr. Garza motioned to approve Item No. 44. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move up Item No. 28 and No. 50. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.



- Item No. 28      Presentation and action to accept the Audited Basic Financial Statements of Webb County for the Fiscal Year ended September 30, 2004 by Accounting Firm of Mejia & Co., Certified Public Accountants.

Mr. Mario Mejia and Mr. Jerry Garcia from Mejia & Co. were present to address the court. Mr. Mejia stated they had finalized the financial audit ending September 30, 2004 and reports were issued to all departments on February 24<sup>th</sup>. He stated that the county's net assets increased by \$8.6 million.

Cmr. Gutierrez motioned to accept the Audited Basic Financial Statements of Webb County presented. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

(Please note that the agenda item shows the year as 2004, not 2004)

- Item No. 50      Discussion and possible action to obtain the services of SBC in the amount of \$9,500.00 for equipment and installation of telephone & voice processing system for the Laredo Multi-Agency Narcotics Task Force.

Cmr. Garza motioned to approve item as submitted. Cmr. Gutierrez seconded the motion with discussion.

Mr. Raul Hinojosa, Laredo Multi-Agency Task Force, stated that the funding source would be from grant funds. He stated that this is a much needed system.

Motion carried 5-0 by unanimous consent.

- Item No. 19      Discussion and possible action to approve a line item transfer from Park Development Pct. 3 Acct. No. 695-6004-8710-3 for \$4,507.70 to Capital Outlay Series 2002 Acct. No. 696-1120-8801 to purchase (2) laptops for Justice of the Peace Oscar O. Martinez's office.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20      Discussion and possible action to approve a line item transfer from Park Development Pct. 3 Acct. No. 695-6004-8710-3 for \$4,375.00 to Capital Outlay Series 2002 Acct. No. 696-1120-8801 to purchase (5) computers for the Webb County Extension Office.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 21      Discussion and possible action to approve a line item transfer from Park Development Pct. 3 Acct. No. 695-6004-8710-3 for \$8,023.00 to Capital Outlay Series 2002 Acct. No. 696-1120-8801 to purchase a video camera and 2 computers to use as back-up for audio system in commissioners court.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Cmr. Garza stated that he hoped that this would prevent technical failures like those at the previous meeting.

Motion carried 5-0 by unanimous consent.

- Item No. 22      Presentation by Mr. Juan Vargas, Economic Development Director on the proposed bird sanctuary.

Mr. Juan Vargas, Economic Development Director, stated that the proposed area is a 37 acre tract in the southwest quadrant with frontage on Mangana Hein. He stated that the site is not fenced and monies have been allocated for fence engineering since it has been a site of illegal dumping. He stated that this area has many potential uses, including a section worth preserving, with the possibility of grant monies for the use of wildlife preservation. He stated that his grant writers are currently looking for available grants from the Texas Department of Parks and Wildlife. He stated that the Army Corps of Engineers is currently platting the area and the area is being surveyed as well.

Cmr. Garza stated that ecotourism is a multimillion dollar industry and that it would be prudent to tap into this industry. He stated that there are several rare birds whose habitats are indigenous to Webb County. He stated for the record that he would commit \$25,000 for the cleaning and fencing of this area. Cmr. Gutierrez congratulated Cmr. Garza for his commitment to fence the area. She stated that they should be able to use this area as a possible tourist attraction.

- Item No. 23      Staff report by MIS Department on employee training and professional development in technology, and software applications, with possible action.

Mr. Eduardo Flores, interim M.I.S. Director, stated that the M.I.S. department offers classes in Microsoft Office Suite, Outlook Express and AS400 programs. He stated that they offer three different lesson plans for beginners, intermediate and advanced students. He stated that they are working on setting a schedule and would make it available to all departments.

- Item No. 24      Discussion and possible action to approve a five (5) year lease with the City of Laredo to lease approximately 2,700 square feet of land located

at the La Ladrillera Neighborhood Center for the placement of a modular building to serve as a food pantry/office, and authorizing the County Judge to execute all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 25      Discussion and possible action to approve an Intergovernmental Cooperation Agreement with the City of Laredo by providing financial assistance in the amount not to exceed ONE HUNDRED THOUSAND DOLLARS (\$100,000) to be expended from Fund 695 (County Park Development Series 2002) and Fund 658 (County Park Development Series 2003) towards the improvement of city parks (lighting of baseball field at Father McNaboe Park and playground module for the Noon Lions Park), as well as entering into a lease agreement for approximately 2,700 square feet for placement of a modular building at La Ladrillera Recreation Center, and authorizing the County Judge to execute all relevant documents. [Requested by Webb County Commissioner Precinct 4, Cynthia Brunner (Account No. 695-6004-8710-4 and 658-8103-8710-4)].

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 26      Action to appoint Mr. Ramiro Barrera, III to the Webb County Rural Rail District Board of Directors.

Cmr. Garza motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez-Brunner stated that after speaking with Mr. Barrera, she was advised that the Board had not met in over a year.

Mr. Carlos Villarreal, Executive Administrator, stated that they last met in November or December but that they have been unable to meet since the member's terms had expired. He stated that a new board needed to be appointed before they could meet again.

- Item No. 27      Discussion and possible action to transfer \$30,000.00 from the 49th Judicial District Court to Indigent Defense line item to the 406th

Judicial District Court Indigent Defense line item.

FROM: 001-1001-7001 \$30,000

TO: 001-1004-7001 \$30,000

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 29 Discussion and possible action to fill slot #1217 (Driver) Meals on Wheels Program, Part-Time @ \$10.40/ hr., effective April 26, 2005. Funding comes from Meals on Wheels grant. No impact on General Fund

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 30 Discussion and Possible Action on the ratification of the submission of application to City of Laredo, for Emergency Shelter Funds (ESG), for FY- 2005-07, in the amount of ten thousand dollars (\$10,000.00).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 31 Discussion and possible action to approve the following line item transfer:

From:	001-2503-6402	Repairs & Maint. Equipment	\$1,000.00
To:	001-2503-6204	Fuel & Lubricants	
From:	001-2503-6402	Repairs & Maint. Equipment	\$200.00
To:	001-2503-6205	Materials & Supplies	
From:	001-2503-6403	Repairs & Maint. Vehicles	\$250.00
To:	001-2503-6202	Uniforms	

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 32 Discussion and possible action to enter into one (1) year (May 1, 2005 through April 30, 2006) rural transportation federal fund grant agreement (No. 51522F7187) with the State of Texas, acting through the Texas Department of Transportation, wherein Webb County accepts a grant amount not to exceed TWENTY-NINE THOUSAND

SEVEN HUNDRED AND THIRTY-THREE DOLLARS (\$29,733.00) for the "El Aguila" rural transportation program and authorizing the Webb County Judge to execute all relevant documents. This Grant will be used for preventive maintenance expenses. [Requested by Webb County CAA, "El Aguila" Rural Transportation]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33      Discussion and possible action to enter into a Memorandum of Understanding with the City of Laredo concerning the 2005 Byrne Justice Assistance Grant (JAG) Program and authorizing the County Judge to sign all relevant documents. The City and County will be jointly submitting an application for grant funding under the Byrne Justice Assistance Grant ("JAG") program. [Requested by the Webb County Sheriff's Department]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 34      Discussion and possible action to enter into a one (1) year (February 1, 2005 through January 31, 2006) maintenance agreement with ThyssenKrupp for the maintenance of two (2) ThyssenKrupp Elevators located at the Webb County Administration Building at an annual cost of THREE THOUSAND SIX HUNDRED DOLLARS (\$3,600.00), seeking a discretionary exemption to the competitive bidding statute (Local Gov't Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. [Requested by Facilities Director, Account 001-0106-6401 (Repairs and Maintenance Buildings)]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 35      Discussion and possible action to enter into a one (1) year (March 15, 2005 through March 14, 2006) maintenance agreement with ThyssenKrupp for the maintenance of one (1) Dover Elevator located at the Webb County Courthouse at an annual cost of ONE THOUSAND NINE HUNDRED AND TWENTY DOLLARS (\$1,920.00), seeking a discretionary exemption to the competitive bidding statute (Local Gov't

Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. [Requested by Facilities Director, Account 001-0106-6401 (Repairs and Maintenance Buildings)]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 36      Discussion and possible action to enter into a one (1) year (March 15, 2005 through March 14, 2006) maintenance agreement with ThyssenKrupp for the maintenance of five (5) Dover Elevators located at the Webb County Justice Center at an annual cost of NINE THOUSAND SIX HUNDRED DOLLARS (\$9,600.00), seeking a discretionary exemption to the competitive bidding statute (Local Gov't Code section 262.024(a)(7) (Sole Source), and authorizing the County Judge to execute all relevant documents. [Requested by Facilities Director, Account 001-0106-6401 (Repairs and Maintenance Buildings)]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 37      Discussion and possible action to order an exemption from competitive bidding requirements pursuant to Section 262.024 (a) (c) of the Local Government Code and enter into natural gas supply contract for a five year period with Proviron, Inc. for the Webb County Water and Wastewater Facilities located in Rio Bravo, Texas and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted.

Mr. Tomas Rodriguez, County Engineer, stated that because there are no other natural gas retailers, they are requesting an exemption from competitive bidding. He stated that the rate would be \$7.20 per 10,000 cubic feet. He stated that the gas was needed for the gas generator used as back up power for the wastewater treatment plants. Judge Bruni stated that his concern was about not allowing an oil and gas attorney to review the contract. He inquired whether it would be possible to continue getting gas on a temporary basis while the contract is reviewed. Mr. Rodriguez stated that this delay would cause a slow down at the treatment plant. He stated that the gas line has not been laid and would be laid by the gas company, not Webb County. Cmr. Garza questioned whether the connection would be restrictive to Proviron, Inc. or would it be a standard connection that other companies could hookup to. Mr. Rodriguez stated that the rate given was the standard rate and was blessed by the Public Utilities Commission. He stated that there are two options available, a fixed rate or a 3-tiered plan. He stated that by getting the tiered plan

with a fixed rate, they would save money in the long run in addition to the savings generated by running the gas generators 50% of the time and the electric generators the other 50% of the time.

Cmr. Sciaraffa motioned to table this item and send the contract to an oil and gas expert named Watt with offices in Houston and Austin to be reviewed. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez, County Attorney, stated that the motion could not be worded as such.

Cmr. Sciaraffa motioned to rescind the action taken and table the item so that contract can be reviewed by the County Attorney. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 38 Discussion and possible action to enter into a lease agreement pursuant to Section 292.001 of the Local Government Code with the United States Department of Agriculture Farm Service Agency for an approximate 2050 sq. ft. of office space at the County Agriculture Building (7209 E. Saunders) being Suites 6 & 7 at an annual rent of \$18,450.00 for a five (5) year period and any matters incident thereto and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion.

Mr. Raul Casso, Chief of Staff, recommended that the item be tabled since the terms of the contract are not in the best interests of the county.

Cmr. Gutierrez withdrew her motion. Judge Bruni withdrew his second.

Cmr. Gutierrez motioned to table the item. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 39 Discussion and possible action to amend the March 29, 2005, Court approval of the contract amounts of the Border Colonia Access Program Paving and Storm Drainage Projects with the State of Texas, Texas Department of Transportation to:

\$377,035.00	Ranchitos 359	(TWDB ID# M2400039)
\$1,127,320.00	Penitas	(TWDB ID# M2400048)
\$1,442,002.00	San Carlos 1& 2	(TWDB ID# M2400051 & TWDB ID# M240052)
\$569,306.00	Los Altos	(TWDB ID# M2400024)

\$423,786.00	Old Milwaukee East & West	(TWDB ID# M2400034 & TWDB ID# M240035)
\$1,230,015.00	Tanquesitos 1 & 2	(TWDB ID# M2400054 & TWDB ID# M2400060)
\$241,083.00	D-5 Acres	(TWDB ID# 2400009)

and any matters incident thereto and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 40      Discussion and possible action to approve the following refund:  
 Mobile Prod TX & NM inc., c/o Ad Valorem Tax Dept  
 PO Box 53, Houston, TX 77001-0053 Acct. # 99000003-5676000-0  
 Reason: Protest 2004-11146 Determined on 03/17/05 for 2004  
 Total Refund: \$9,270.75

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 41      Discussion and possible action to approve the following line item transfer:

From:	Repair & Maintenance	Acct. #001-1100-6402	\$2,000.00
To:	Fuel & Lubricants	Acct. #001-1100-6204	\$2,000.00

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 42      Discussion and possible action to solicit Engineering proposals for Engineering Services associated with the development of the Vela Tract Project. Funded by a grant from the Office of Rural Community Affairs

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 43      Discussion and possible action to approve a Resolution authorizing the following County Officials; Honorable Louis H. Bruni, Honorable Frank Sciaraffa, and Honorable Jerry Garza to be designated as Authorized



Signatories for the Office of Rural Community Affairs, Texas  
Community Development Program for the Vela Tract Project

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 45      Discussion and Possible Action Authorizing the Purchasing Agent and the County Engineer to advertise for bids for the TXDOT Border Colonias Access Program El Cenizo Paving and Storm Drainage Project.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 46      Discussion and Possible Action Authorizing Amendment No. 1 to Foster Engineering Increasing the Contract by \$39,950.00. The increase is due to additional engineering required for the TXDOT Border Colonias Access Program Rio Bravo Paving and Storm Drainage Phase I Project.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 47      Discussion and possible action to issue "Certifications Regarding Compliance with Plat Requirements and the Connection of Utilities" pursuant to the provisions of Section 232.028 (a) and (b), Texas Local Government Code to authorize sewer service connections to those lots with one (1) dwelling located within the Bruni Subdivision that are to be served by the Bruni Rural Water Supply Corporation's (BRWSC) Sewer Project. Said lots are further identified in the attached agenda backup. (Note: Those sewer connections proposed to lots containing multiple dwellings will be addressed at a future date under a separate certification after completion of regulatory review by Planning Staff)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present during vote.

- Item No. 48      Discussion and possible action to issue "Certifications Regarding Compliance with Plat Requirements and the Connection of Utilities" to authorize utility connections to the following properties.

Connection(s) qualifying under Section 232.029 (c)(1):

An unplatted 10 acre tract of land, more or less, being the South ½ of Lots 3 and 4, Ranchitos Las Lomas Subdivision (electricity – one dwelling only);

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 4-0 with Cmr. Garza not present during vote.

- Item No. 49      Discussion and possible action dispose of playground equipment, office equipment and two (2) refrigerators for the Head Start Program as per Section 263.151 Disposition of Salvage of Property.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 51      Discussion and possible action to award/reject the following:
- |                     |  |
|---------------------|--|
| P2005-56 & 2005- 57 | Neighborhood Housing Rehabilitation Program in El Cenizo |
| P-2005-05           | Boys and Girls Club for City of Rio Bravo, Texas         |
| P-2005-06           | Casa Blanca Golf Course Improvements                     |

Cmr. Gutierrez motioned to award the bids to the recommended vendors. Cmr. Sciaraffa seconded the motion.

Mr. Eloy Ramirez, Purchasing Agent, stated that the bids had been reviewed and his recommendation was the following:

P-2005-56 & 2005-57	AA Builders
P-2005-05	Sepulveda & Associates
P-2005-06	Golf Professional Services, Dallas, Texas

Motion carried 5-0 by unanimous consent.

- Item No. 52      Discussion and possible action to solicit bids for the El Cenizo Street Paving Project-Phase I for the County Engineer's Department.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 53      Discussion and possible action to purchase bath/bedding supplies from Bob Barker in the amount of \$5,332.30 for the Sheriff's department.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 54      Discussion and possible action to display a desk manufactured by 114 Toledo D & F Co. 1906 with Tag No. 19532, for the Veterans Museum to maintain and care for said desk for the duration set forth by the Commissioners Court.

Cmr. Gutierrez motioned to approve item as submitted for an indefinite duration.  
Cmr. Cortez-Brunner seconded the motion.

Mr. Eloy Ramirez, Purchasing Agent, stated that the desk was tagged upon receipt.

Motion carried 5-0 by unanimous consent.

- Item No. 55      Discussion and possible action to award/reject the following:  
Bid 2005-55                      Rio Bravo Storm Drainage Project Phase II

Mr. Eloy Ramirez stated that the recommended vendor for this bid was Gilbert of Texas Construction.

Cmr. Sciaraffa motioned to award the bid to the recommended vendor. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 56      Discussion and possible action to award the architectural/engineer Professional Service contract for the construction of a Boys and Girls club in Rio Bravo, Texas.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Mr. Eloy Ramirez, Purchasing Agent, stated that this item was placed twice on the agenda and was already acted on under Item No. 51.

Cmr. Gutierrez withdrew her motion. Cmr. Sciaraffa withdrew his motion.

- Item No. 57      Discussion and possible action for the Commissioners Court to award/reject the following bids for the CAA-Weatherization Program and CEAP program to the following vendors:

Bid No. 2005-49                      Weatherization Contractors for Labor & Materials

Primary- Juan Rodriguez

Secondary-AA Builders

Bid No. 2005-50                      Weatherization Contractors for Attic & Wall Insulation

Primary-Border Insulation

Bid No. 2005-51                      Window A/C Units, Space Heaters & Refrigerators

Primary-Juan Rodriguez

Bid No. 2005-52                      Water Heaters

Primary-AA Builders  
Secondary-City Plumbing  
Bid No. 2005-53                      Central Heating/Cooling Units (HVAC)  
Primary-AA Builder

Mr. Eloy Ramirez, Purchasing Agent, stated that he would like to re-bid 2005-51 since there is a state contract with Sears for the installation and removal of refrigerators only.

Cmr. Gutierrez motioned to award the bids to the recommended vendors and reject Bid 2005-51. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 62                      Discussion and possible action to file the FY 2005 Webb County Investment Policy.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 63                      Discussion and possible action to authorize the publication of a bid opening for Webb County bank depository contract for a period of 2 or 4 years, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTIONS 116.021 (a), 117.021 (a).

Cmr. Gutierrez motioned to request bids for both two (2) and four (4) year contracts and that all bids be brought to the court for review. Cmr. Sciaraffa seconded the motion.

Mr. Leo Flores, County Auditor, requested clarification on the motion since the item requested authorization to publicize a bid opening, not to go out for requests for proposals.

Judge Bruni stated that the action was to go out for RFP's.

Cmr. Gutierrez stated that the Investment Policy needed to be reviewed before approved for filing.

Cmr. Gutierrez motioned to bring back Item No. 62. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 62                      Discussion and possible action to file the FY 2005 Webb County Investment Policy.

Cmr. Gutierrez motioned to rescind the action taken on this item. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to have this item be brought back with the investment policy for review by the court. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 63      Discussion and possible action to authorize the publication of a bid opening for Webb County bank depository contract for a period of 2 or 4 years, PURSUANT TO TEXAS LOCAL GOVERNMENT CODE SECTIONS 116.021 (a), 117.021 (a).

Judge Bruni motioned to approve item as discussed. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Sciaraffa motioned to move up Addendum Item No. 1. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum  
Item No. 1

Discussion and possible action to donate \$10,000.00 to the Laredo Marines Corps League

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Judge Bruni instructed Mr. Leo Flores, County Auditor, to locate the funding source.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Sciaraffa seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that the Executive Session for Item No. 64 was only for Consultation with Attorney and would not deal with personnel issues.

Mr. Javier Montemayor, Public Defender, stated that he recommended Mr. Leroy Medford be designated the Co-Director of the Public Defender's office.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (4:17 PM to 5:27 PM)

Judge Bruni reconvened the meeting and stated that no action was taken while in Executive Session.

- Item No. 64      Discussion and possible action to designate an Interim Co-Director of the Office of Webb County Public Defender, and to instruct Mr. Montemayor to lend the co-director assistance as necessary to ensure a smooth transition. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Sciaraffa motioned to have Mr. Leroy Medford remain 1<sup>st</sup> Assistant Public Defender with the ability to make hiring and termination decisions. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 65      Discussion and possible action regarding settlement offer in Cause No. 2004CVQ001309-D2 Xavier Cantu vs. Webb County Appraisal District, Webb County Review Board and Sergio Delgado Chief Appraiser, United Independent School District, Webb County, Texas, and City of Laredo, Laredo Community College, in the 111th Judicial District Court of Webb County, Texas and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez, County Attorney, stated that no action was required for this item.

- Item No. 66      Discussion and possible action to make financial provision for the hiring of temporary employees to perform duties of County employees who are called to active duty in the armed forces of the United States and who continue to be paid in accordance with the salary continuation policy adopted at the November 22, 2004 meeting of the Webb County Commissioners Court and clarified at the meeting of December 13, 2004. The Commissioners Court may meet in closed session pursuant to Texas Government Code, Title 5, Subchapter D, Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel Matters).

Mr. Homero Ramirez, County Attorney, stated that no action was required for this item.

- Item No. 67      Discussion and possible action to adopt a revised County Policy for Drug, Alcohol, and Other Prohibited Substances. Closed session is

requested pursuant to Texas Government Code, Title 5, Subchapter D, Section 551.071 (Consultation with Attorney).

Mr. Homero Ramirez, County Attorney, stated that TX DoT had advised him that certain adjustments needed to be made based on the needs of the state. He recommended the approval of this policy as a county wide policy. He stated that the changes included a zero tolerance policy that would result in termination for positive drug and alcohol test results as well as for the refusal to submit to a drug test. He stated that this also included a provision that any department head that ignored any of the policies be subject to disciplinary action. He also recommended that the policy be taken to the Board of Judges and elected officials for approval since they are not under the jurisdiction of the Commissioners Court.

Cmr. Gutierrez motioned to approve the item as submitted and present it to the Board of Judges and elected officials for approval. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 68      Discussion and possible action to address disputes arising from the licensing agreement between Webb County and Laredo International Fair & Exposition, a purported lease agreement between Laredo International Fair & Exposition and Gilbert Texas Construction, L.P., and the use of County-owned land by Gilbert Texas Construction, L.P. [Closed Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Mr. Homero Ramirez, County Attorney, requested authorization to negotiate with L.I.F.E.

Cmr. Gutierrez motioned to authorize the County Attorney to negotiate with L.I.F.E. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez stated that Mr. Leo Flores, County Auditor, had submitted information from other counties regarding overspending. She stated that most overspending comes from things that cannot be controlled by the court. She thanked Mr. Flores for the monthly reporting that he brings to the court as well as everything he does to try to prevent overspending.

- Item No. 69      Adjournment

Cmr. Gutierrez motioned to adjourn the meeting. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.